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Alan T. Yaung

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EXAMINER

NGUYEN, VAN H

ART UNIT

PAPER NUMBER

2194

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/750,489

Applicant(s)

YAUNG, ALAN T.

Examiner

VAN H NGUYEN

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 and 37-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 and 37-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-35 and 37-39 are presented for examination.

#### *Claim Objections*

2. Claims 37, 38, and 39 are objected to because of the following informalities:
  - (i) Claims 37 and 38 cannot depend on a cancelled claim (claim 36).
  - (ii) “the second computer connects to the queue manager” (claim 39, line3-4) should read “the second computer connects to a queue manager”. There are different queue managers resided in the first computer and the second computer as described in the specification (page 42, lines 22-27 and fig. 6).  
  
Appropriate correction is required.

#### *Claim Rejections - 35 USC § 103*

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-35, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Boudou et al.** (U.S.6,009,472) in view of **Beck et al.** (U.S. 6,742,050).

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5. As to claim 1, Boudou teaches the invention substantially as claimed including a method for communication (e.g., communication; abstract) between a first computer (e.g., a first node; abstract) and a second computer (e.g., a second node; abstract), the method comprising:

under control of a first client application (col.2, lines 65-66) at the first computer,

creating a message (col.3, lines 1-12; col.13, lines 41-42; and col.15, lines 39-44),

wherein the message comprises, among other things, and an event notification with zero text and zero content identifier (col.15, lines 58-60 and col.20, lines 6-13); and

putting the message into a message queue (see the abstract; col.3, lines 6-12; col.14, lines 25-35; and col.15, lines 33-35);

under control of a second client application (col.2, lines 65-66) at the second computer, retrieving the message from the message queue (see the abstract; col.3, lines 6-12 ; col.14, lines 25-35; and col.15, lines 33-35).

Boudou does teach a second computer connected to the first computer (col.4, lines 12-27 and fig.1), but is silent on the connection of the first and second computers with a server.

Beck teaches the first and second computers connected to a server computer (fig.1 shows clients 130-133 are connected to server 110).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Beck and Boudou because Beck's teaching would have provided the capability for managing network resources in the multinodal information system.

6. As to claim 2, Boudou teaches text comprises a string of alphanumeric characters (col.1, lines 31-33).

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7. As to claim 3, Boudou teaches a content identifier comprises an item identifier (col.17, lines 5-65). Boudou, however, is silent on a server name. Beck teaches a server name (col.6, lines 32).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Beck and Boudou because Beck's teaching would have provided the capability for allowing the receiving node to control the flow of data it receives so that it can process them without a loss of data and without a reduction in the performance of the receiving node.

8. As to claim 4, Boudou teaches the message comprises an event notification with zero text and zero content identifiers (col.15, lines 58-60 and col.20, lines 6-13).

9. As to claim 5, Boudou teaches the message comprises text with zero content identifiers (col.3, lines 1-12).

10. As to claim 6, Boudou teaches the message comprises zero text and one or more content identifiers that represent items in a data store (col.20, lines 6-13). Note the discussion in claim 1 above for rejection of connecting to the server computer.

11. As to claim 7, Boudou teaches the message comprises an object (col.1, lines 31-33).

12. As to claim 8, Boudou teaches the message is put into the message queue via a method of a class (col.3, lines 6-12; col.14, lines 25-35; and col.15, lines 33-35).

13. As to claim 9, Boudou teaches the message is retrieved from the message queue via a method of a class (col.3, lines 6-12 ; col.14, lines 25-35; and col.15, lines 33-35).

14. As to claim 10, the rejection of claim 1 is incorporated herein in full. Additionally, Boudou further teaches a second computer connected to the first computer in a datastore

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management system (see fig.1 and col.4, lines 11-15). Refer to the discussion of claim 1 above regarding the first computer and the second computer connected to a server computer.

15. As to claims 11-18, note the rejection of claims 2-9 above. Claims 11-18 are the same as claims 2-9, except claims 11-18 are apparatus claims and claims 2-9 are method claims.

16. As to claim 19, the rejection of claim 1 is incorporated herein in full. Additionally, Boudou further teaches a datastore management system (see fig.1 and col.4, lines 11-15).

17. As to claims 20-27, note the rejection of claims 2-9 above. Claims 20-27 are the same as claims 2-9, except claims 20-27 are program storage medium claims and claims 2-9 are method claims.

18. As to claim 28, the rejection of claim 1 is incorporated herein in full. Additionally, Boudou further teaches wherein when a body of the message comprises the text, the text is passed to the second application (col.1, lines 30-33 and col.3, lines 1-12), when the body of the message comprises the content identifier, objects are forwarded to the second application (col.17, lines 5-65), and when the body of a message comprises no the text and no the content identifiers the message is an event notification notifying the second application of an occurrence of an event (col.15, lines 58-60 and col.20, lines 6-13).

19. As to claim 29, Boudou teaches the content identifier identifies a search result of a search performed by said first application, and wherein said search result comprises at least one object stored in said at least one server computer (col.15, lines 49-57).

20. As to claim 30, Boudou teaches the system is a federated content management system (see abstract and fig. 1).

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21. As to claim 31, Boudou teaches the first and second applications are client applications (col.3, lines 65-66).

22. As to claim 32, Boudou teaches the system is a distributed computing system (fig.1 and col.4, lines 11-15). The server connects to at least one data storage is inherent to the system of Beck.

23. As to claim 33, Boudou teaches the first and the second computers execute portals for messaging between the first and second applications (fig.11).

24. As to claim 34, refer to the discussion of claim 3 above for rejection.

25. As to claim 35, the rejection of claim 1 is incorporated herein in full. Additionally, Boudou further teaches the message comprises a text length value (col.3, lines 1-12) and a content identifier count value (col.17, lines 5-65).

26. As to claim 37, Boudou teaches when the text length value is zero and when the content identifier count value is zero, the message is an event notification (col.15, lines 58-60 and col.20, lines 6-13).

27. As to claim 38, Boudou teaches when the content identifier count value is greater than zero, the message further comprises at least one content identifier identifying an object from a heterogeneous storage (col.17, lines 5-65).

28. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Boudou et al.** in view of **Beck et al.** as applied to 1 above and further in view of Feldbaum (U.S. 6,446,206 B1).

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29. As to claim 39, the combination of Boudou and Beck does not specifically teach the use of a queue manager.

Feldbaum teaches the use of a queue manager (col.5, lines 39-59 and fig.3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Feldbaum with Boudou as modified by Beck because Feldbaum's teaching would have provided the capability for controlling access of a message queue in a message queuing system.

### ***Response to Arguments***

30. Applicant's arguments filed October 27, 2004 have been fully considered but they are not persuasive.

31. In the remarks, Applicant argued in substance that (a) Boudou's discussion of the information system communicating between various nodes using messages and Beck's discussion of communication between various objects, which are not similar to under control of a first client application putting the message into a message queue and retrieving the message from the message queue under a control of a second client application, as set forth in claim 1; (b) there is no motivation to combine the references in the manner suggests by the Examiner.

32. Examiner respectfully traverses Applicant's remarks.

As to point (a) Boudou discloses "in a multinode information system (SYS), a processor (Pxm) of a first node (Nx) emits a message of predetermined size (MESS) in the form of a write operation in the communication module (ISLx) of the first node and transmits it to the



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communication module (ISLy) of a second node (Ny), where it is stored in a queue of messages received (FIFO-MGT), in the order of their reception, then dequeued by a processor (Pyn) of the second node (Ny) in the form of a read operation in the communication module (ISLy) of this node so that the information contained in the message can be processed" (see the abstract).

Boudou further discloses "the subject of the invention is a process for transmitting a message in an information system comprising processors distributed in at least a first node and a second node, each of which has a module for communication with another node by means of a transmission link, characterized in that the message, which has a predetermined size, is emitted by a processor of the first node in the form of a write operation in the communication module of the first node and is transmitted, through the communication link, to the communication module of the second node where it is stored in a queue of messages received in the order of its reception, and in that a processor of the node which incorporates the queue retrieves the message from the queue in the form of a read operation in the communication module of this node so that process the information contained in the message can be processed, which enqueueing and dequeuing operations are carried out sequentially" (col.2, line 63-col.3, line 12). Boudou does meet under control of a first client application (the program performs emitting a message and enqueueing operation) putting the message into a message queue (it is stored in a queue) and retrieving the message (retrieves the message) from the message queue under a control of a second client application (the program performs dequeuing operation). It is noted that the modules or programs (for performing enqueueing and dequeuing operations) resided in the first computer and the second computer can be considered as client programs because the first

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computer and the second computer are the client computers. The concept of connecting computers to a server is well-known in the art, and Beck was simply used to show this concept.

As to point (b) In response to Appellant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. See *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. See *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art rather than by their specific disclosures. The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. See *In re Bozek*, 163 USPQ 545 (CCPA) 1969. Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. See *In re Bode*, 193 USPQ 12 (CCPA 1977).

33. The examiner asserts that the cited prior arts teach or suggest the subject matter broadly recited in independent claims. Claims 2-9, 11-18, 20-227, 30-34, and 37-39 are rejected at least by virtue of their dependency on independent claims and by other reasons set forth above.

34. Accordingly, the combination of Boudou, Beck, and Feldbaum meets the limitations as broadly claimed by Applicant.

***Conclusion***

35. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

36. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

37. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

38. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The examiner can also be reached on alternative Friday.

40. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Meng-Ai An can be reached on (571) 272-3756.

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41. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

42. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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vhn

  
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